



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,157	09/11/2003	Mitchell S. Owens	8022-A-1	6781
7590	04/13/2006		EXAMINER	
Jordan M. Meschkow Meschkow & Gresham, PLC Suite 409 5727 North 7th Street Phoenix, AZ 85014			SCHNEIDER, CRAIG M	
			ART UNIT	PAPER NUMBER
			3753	
DATE MAILED: 04/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/661,157	OWENS ET AL.
	Examiner	Art Unit
	Craig M. Schneider	3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 1/30/06.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) Claim(s) 20 is/are allowed.
- 6) Claim(s) 1-2 and 5-15 is/are rejected.
- 7) Claim(s) 4 and 16-19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 9/11/03 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

<ol style="list-style-type: none"> <li>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.</li> </ol>	<ol style="list-style-type: none"> <li>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.</li> <li>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6) <input type="checkbox"/> Other: _____.</li> </ol>
--	---

**DETAILED ACTION**

***Election/Restrictions***

1. Claim 3 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/30/2006.
2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Davenport (4,890,638).

Davenport discloses a security enclosure (90) for a control apparatus (11), the enclosure comprising a base (22), a cage (91, 92, 93, 94, and 95) configured to connect to the base and encompass the apparatus, a mounting member comprising a mounting shank (112) embedded within the base and a mounting strap (106 and 108) joined to the mounting shank and configured to extend inside the cage substantially

perpendicular to the base when the cage is connected to the base and a lock device (115) configured to secure the cage to the mounting strap when the cage is connected to the base (col. 5, line 56 onto col. 6, line 58).

Regarding claim 2, Davenport further discloses a second mounting strap (105 and 109) joined to the mounting shank (112).

Regarding claim 6, Davenport further discloses that the enclosure comprises a cage that has a lock hole as seen in Figure 9, the mounting strap has a strap hole (116), and the lock device is configured to reside within the cage and strap holes when the cage is connected to the base.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1-2, 6, 8-9, 11, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guardshack Product Line Brochure, Backflow Prevention Device InnClosures herein after referred to as Guardshack in view of Griffin et al. (6,532,985) and in further view of Griffin et al. (6,021,804).

Guardshack discloses a security enclosure for a control apparatus, the enclosure comprising a base, cage configured to connect to the base and encompass the apparatus as seen in the brochure. Guardshack does not disclose a mounting member comprising a mounting shank embedded within the base and a mounting strap joined to

the mounting shank and configured to extend inside the cage substantially perpendicular to the base when the cage is connected to the base and a lock device configured to secure the cage to the mounting strap when the cage is connected to the base. Griffin et al. (6,532,985) disclose a mounting member comprising a mounting shank (the concrete fasteners that are inserted into holes 27) embedded within the base and a mounting strap (25) joined to said mounting shank and substantially perpendicular to the base (19) when the cage (1) is connected to the base and a lock device (24) configured to secure the cage to the mounting strap when the cage is connected to the base (col. 9, lines 29-67 onto col. 10, lines 1-9). Griffin et al. further disclose that the enclosure includes a lock plate (1) in which a cage lock hole (2) is incorporated (col. 4, lines 61-64). Griffin et al. (6,021,804) disclose that the mounting hole (72) is inside the cage (col. 5, lines 63-67 onto col. 6, lines 1-10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the mounting strap configuration as taught by Griffin et al. (6,532,985) patent and that the mounting would be inside the cage as taught by Griffin et al. (6,021,804) and the lock plate of Griffin et al. (6,532,985) onto Guardshack, in order to provide a solid one piece cage for ease of installation.

Regarding claim 2, Guardshack-Griffin et al.-Griffin et al. further disclose that the enclosure additionally comprises a second mounting strap configured to extend inside the cage substantially perpendicular to the base when the cage is connected to the base and the lock device is configured to secure the cage to the first and second

mounting straps when the cage is connected to the base as can be seen in Figures 16-18 of Griffen et al. (6,532,985).

Regarding claim 6, Guardshack-Griffin et al.-Griffin et al. disclose that the cage has a cage lock hole (2 of Griffin et al. (6,532,985)), the mounting strap has a strap lock hole (26 of Griffin et al. (6,532,985)), and the lock device is configured to reside within the cage and strap lock holes when the cage is connected to the base (col. 9, lines 38-45). Griffin et al. (6,532,985) further disclose that the cage lock hole is through a panel of rigid insulation covered by sheet metal (col. 4, lines 61-64).

Regarding claim 8, Guardshack-Griffin et al.-Griffin et al. disclose that the cage comprises a frame, a first end panel, a second end panel, and a perforated body panel as seen in the Guardshack brochure.

Regarding claim 9, Guardshack-Griffin et al.-Griffin et al. disclose that the frame comprises a first "U" member having a first upright portion and a second upright portion, a second "U" member having a third upright portion and a fourth upright portion, a first angle member coupled between said first and second upright portions, a second angle member coupled between said second and third upright portions, a third angle member coupled between said third and fourth upright portions, and a fourth angle member coupled between said fourth and first upright portions as seen in the Guardshack brochure.

Regarding claim 14, Guardshack further discloses a shroud configured to ensheathe the fixed and moveable lock tabs when the cage is connected to the base as seen in the brochure and mentioned on page 2 under "Lock Shield Brackets".

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guardshack-Griffin et al.-Griffin et al. as applied to claim 1 above, and further in view of Sieben (1,690,461).

Guardshack-Griffin et al.-Griffin et al. disclose all the features of the claimed invention except that the cage has a strap engagement slot and that the mounting strap extends substantially vertically inside the cage through the strap engagement slot when the cage is connected to the base. Sieben discloses a strap engagement slot (10) and that the mounting strap (11) extends substantially vertically inside the strap engagement slot when the cage is connected to the base as seen in Figure 2 of Sieben (3 and 4) (page 2, lines 39-48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the strap and slot teaching of Sieben onto Guardshack-Griffin et al.-Griffin et al., in order to create a stronger cage and lock connection.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guardshack-Griffin et al.-Griffin et al. as applied to claim 6 above, and further in view of Carr (4,026,596).

Guardshack-Griffin et al.-Griffin et al. disclose all the features of the claimed invention except that the cage comprises a fixed lock tab having a tab hole. Carr discloses that the cage comprises a fixed lock tab having a tab hole (40)(col. 3, lines 61-64).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the lock tab of Carr onto the cage of Guardshack-Griffin et al.-Griffin et al., in order to make the lock device more secure to the cage.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guardshack-Griffin et al.-Griffin et al. as applied to claim 8 above, and further in view of Davenport (4,890,638).

Guardshack-Griffin et al.-Griffin et al. disclose all the features of the claimed invention except that the frame comprises a brace coupled between the first and second "U" members. Davenport discloses the use of a brace (83) on a wall (40) of an enclosure (col. 5, lines 3-5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the brace teaching of Davenport onto the enclosure of Guardshack-Griffin et al.-Griffin et al., in order to increase the strength of the enclosure.

10. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guardshack-Griffin et al.-Griffin et al. as applied to claim 11 above, and further in view of Clements et al. (6,203,591).

Guardshack-Griffin et al.-Griffin et al. disclose all the features of the claimed invention except that one of the first end panel, the second end panel, and the perforated body panel is formed of perforated sheet metal. Clements et al. disclose that perforated sheet metal and expanded sheet metal are interchangeable (col. 6, lines 65-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the perforated metal of Clements et al. onto the cage of Guardshack-Griffin et al.-Griffin et al., in order to allow for more flexibility during the manufacturing process.

Regarding claim 13, Guardshack-Griffin et al.-Griffin et al. disclose that the expanded metal is 10-18 gauge sheet metal (page 4 of brochure under Fabrication Specifications).

***Allowable Subject Matter***

11. Claim 20 is allowed.
12. Claims 4 and 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

13. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS      CMS  
April 5, 2006

*Eric Keasel*  
Eric Keasel  
Primary Examiner  
Art Unit 3754